

Summary
Water Pollution Control Board
Indiana Government Center North
Conference Room B
Indianapolis, Indiana
Wednesday, August 11, 2010

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairman); Robert Warnock; David Wagner; Ken Hedge; Mark Legan; Howard Cundiff (proxy for ISDH); Eric Levenhagen (substitute for Pam Fisher, proxy for IEDC); Kari Evans (proxy for Robert E. Carter, IDNR); and, Deborah Albright (Board Counsel).

Present for IDEM: Thomas Easterly, IDEM Commissioner; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); and Nancy King, Chief, Rules Development Branch, Office of Legal Counsel (OLC).

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

Thereafter, Chairman Powdrill announced that there would be an added presentation to the agenda following the approval of the meeting summary on the Governor's major land conservation initiative.

3. APPROVAL OF SUMMARIES

Chairman Powdrill called for approval of the May 12, 2010, board meeting summaries. A motion was made and seconded to approve the meeting summary. The board voted unanimously to approve the May 12, 2010, summary without changes.

4. PRESENTATION

Mr. Nick Heinzelman, Director of Land Acquisition, Indiana Heritage Trust, IDNR, articulated what the Governor's major land conservation initiative was with the aid of maps.

5. REPORTS

Mr. Bruno Pigott gave a PowerPoint presentation concerning IDEM's OWQ Activities. He reported on the following topics:

- NPDES Permitting Backlog – an overall total of 33 administratively extended backlogged permits.
- Combined Sewer Overflows (CSOs) – a review of the 107 CSOs communities relevant to their various stages of development.
- NPDES Compliance – a focus on semi-public facilities; a workgroup dedicated to electronic submission of required data on discharge monitoring reports (DMRs); Environmental Protection Agency's (EPA) focus on communities with sanitary sewer overflow problems; and EPA/State enforcement and permitting joint work planning.
- Watershed Assessment and Planning – a status update on the integrated report that includes finishing the 303(d) impaired waters list to send to EPA; conducting probabilistic sampling in 2 basins; and preparing the annual 319 funding report.

- Blue-Green Algae Initiative – strategic plans to increase public awareness; handle citizens’ concerns about Geist Reservoir; partnership with ISDH, IDNR, IUPUI Center Earth and the Environmental Science to collect and report information; and to build in-house capability to analyze blue/green algae.
- Antidegradation – the next steps for antidegradation to consider rule revisions from the 2nd notice comments received; bring the draft rule before the November 2010 water board; and maybe publish a 3rd notice.
- Nutrient Rulemaking – the preparation of a technical document for USEPA that would explain the scientific basis for the criteria development; a workgroup to be formed to discuss rule language; and IDEM to provide public education and outreach.
- General Permits – EPA’s concerns about general permits by rule and IDEM’s plans to convert permits into administratively-issued general permits.

6. RULE ACTIONS

Emergency Rules for Concentrated Animal Feeding Operations (CAFO)

Chairman Powdrill opened the board meeting for consideration of adoption of the CAFO emergency rules under IC 4-22-2-37.1. He announced that if adopted by the board, the emergency rule would become effective on August 21, 2010.

Ms. Nancy King spoke for the agency. She stated that the CAFO and the combined feeding operation (CFO) rules were posted in the Indiana Register on Aug. 11 for 2nd notice. She indicated that IDEM would like for both rules to be ready for preliminary adoption at the November 2010 water board meeting. She noted that a small word change was made to this new emergency rule to be presented to the board.

Mr. Mark Legan asked Ms. King about the timeline for a preliminary CAFO rule to come before the board. Ms. King reiterated that the agency’s goal was for this November water board meeting.

There was no board discussion.

Mr. Wagner made a motion to adopt the proposed emergency rule. Mr. Howard Cundiff seconded it. With a roll call vote, the board voted unanimously to adopt the emergency rule as presented.

Review of Rules that do not expire under IC 13-14-9.5-1.1

Chairman Powdrill announced a public hearing for the board to determine whether to direct the agency to open a new rulemaking for any of the rules listed as being exempt from the sunset process.

Ms. King spoke for the agency. She discussed the procedures for this rulemaking. She added that even though there was a comment period, no comments were received.

There was no board discussion.

Mr. Wagner made a motion that for the board to take no further action on the listed rules. Mr. Ken Hedge seconded it. With a voice vote, the board voted unanimously to not take any further action.

7. OPEN FORUM

There was one public commenter.

Mr. Bowden Quinn, Conservation Program Coordinator, Sierra Club Hoosier Chapter, commented on the proposed CAFO rule by expressing concerns about folks not having adequate public access to information on CAFOs.

8. ADJOURNMENT

The next meeting is tentatively scheduled for Wednesday, September 8, 2010, Indiana Government Center South, Conference Room A at 1:30 p.m., E.D.T.

Chairperson Powdrill adjourned the WPCB meeting at 2:31 p.m.

CHAIRPERSON

The summary is derived from Rules Development Branch staff notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>